

Reply to Office Action dated 12/15/2005

Serial No. 10/710,335
70855.3200**REMARKS**

Applicants reply to the Office Action mailed on December 15, 2005, within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1-15 were pending and the Examiner rejects claims 1-15. In reply, Applicants amend claims 1, 2, and 13, add claims 16-18, and address the Examiner's remarks. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Claim Rejections - 35 USC § 112

Claims 1-15 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner stated that "the specification does not describe determining if a transaction violates at least two established rules." (page 2). Applicants amend independent claim 1 and respectfully assert that the amendment renders this rejection moot.

As acknowledged by the Examiner on page seven of the November 29, 2005 office action regarding claim 11 of Application Serial No. 10/710,308, the prior art does not disclose or suggest a method comprising at least "verifying said proffered biometric sample including determining whether said proffered biometric sample is associated with said preset transaction limitation," as recited in amended claim 1.

Accordingly, Applicants assert that claim 1 is patentable over the cited references. Claims 2-15 variously depend from claim 1 and contain all of the elements thereof. Therefore, Applicants respectfully submit that claims 2-15 are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-15.

New Claims

New claims 16-18 variously depend from claim 1 and contain all of the elements thereof. Therefore, Applicants assert that new claims 16-18 are differentiated from the

Reply to Office Action dated 12/15/2005

Serial No. 10/710,335
70655.3200

cited references at least for the same reasons as set forth above, in addition to their own respective features.

CONCLUSION

Applicants respectfully submit that the pending claims (18 total, 1 independent) are in condition for allowance. No new matter is added in this Reply. Reconsideration of the application is thus requested. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

Dated: 2-13-06By: Kirk Dorius
Kirk Dorius
Reg. No. 54,073

SNELL & WILMER L.L.P.
400 East Van Buren
One Arizona Center
Phoenix, Arizona 85004-2202
Telephone: (602) 32-6544
Facsimile: (602) 382-5070
E-mail: kdorius@swlaw.com